

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED

UNITED STATES OF AMERICA,

V.

OCT 17 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

CR17-609 VC

JOSE INEZ GARCIA-ZARATE,

DEFENDANT(S).

SUPERSEDING INDICTMENT

18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition;
18 U.S.C. § 922(g)(5) – Alien in Possession of a Firearm and Ammunition;
18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) – Forfeiture Allegation

A true bill.



Foreman

Filed in open court this 17 day of OCT 2019



Clerk
Ada Means

Bail, \$

NO PROCESS



Jacqueline Scott Gorley
United States Magistrate Judge

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

Title 18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm and Ammunition (Class C Felony)

Title 18 U.S.C. § 922(g)(5) - Alien in Possession of a Firearm and Ammunition (Class C Felony)

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 PENALTY: As to both counts: 10 years imprisonment
 \$250,000 fine
 3 years supervised release
 \$100 mandatory special assessment
 Forfeiture and Restitution

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

JOSE INEZ GARCIA-ZARATE

DISTRICT COURT NUMBER

17-CR-609 VC

FILED**OCT 17 2019**
 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTH DISTRICT OF CALIFORNIA
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

 Name and Office of Person
 Furnishing Information on this form DAVID L. ANDERSON
☒ U.S. Attorney ☐ Other U.S. Agency

 Name of Assistant U.S.
 Attorney (if assigned) ERIC CHENG
IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

1 DAVID L. ANDERSON (CABN 149604)
2 United States Attorney

FILED

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SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,) CASE NO. 17-CR-609 VC
12 Plaintiff,)
13 v.) VIOLATION:
14 JOSE INEZ GARCIA-ZARATE,) 18 U.S.C. § 922(g)(1) – Felon in Possession of a
a/k/a Juan Jose Dominguez De La Parra,) Firearm and Ammunition;
15 a/k/a Jose Luis Garcia Sanchez,) 18 U.S.C. § 922(g)(5) – Alien in Possession of a
a/k/a Juan Garcia Sanchez,) Firearm and Ammunition;
16 a/k/a Juan Francisco Lopez-Sanchez,) 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) –
Forfeiture Allegation
17 Defendant.) SAN FRANCISCO VENUE
18)

19 SUPERSEDING INDICTMENT

20 The Grand Jury charges:

21 COUNT ONE: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition)

22 On or about July 1, 2015, in the Northern District of California, the defendant,

23 JOSE INEZ GARCIA-ZARATE,
24 a/k/a Juan Jose Dominguez De La Parra,
a/k/a Jose Luis Garcia Sanchez,
25 a/k/a Juan Garcia Sanchez,
a/k/a Juan Francisco Lopez-Sanchez,

26 knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding
27 one year, knowingly possessed a firearm and ammunition, namely, one (1) .40 caliber Sig Sauer P239
28 semi-automatic pistol, serial number SA4 144 075, and multiple rounds of Winchester ranger 165 grain

SUPERSEDING INDICTMENT

1 .40 caliber ammunition, and the firearm and ammunition were in and affecting commerce, all in
2 violation of Title 18, United States Code, Section 922(g)(1).

3 COUNT TWO: (18 U.S.C. § 922(g)(5) – Alien in Possession of a Firearm and Ammunition)

4 On or about July 1, 2015, in the Northern District of California, the defendant,

5 JOSE INEZ GARCIA-ZARATE,
6 a/k/a Juan Jose Dominguez De La Parra,
7 a/k/a Jose Luis Garcia Sanchez,
8 a/k/a Juan Garcia Sanchez,
9 a/k/a Juan Francisco Lopez-Sanchez,

10 knowing he was an alien illegally and unlawfully in the United States, knowingly possessed a firearm
11 and ammunition, namely, one (1) .40 caliber Sig Sauer P239 semi-automatic pistol, serial number SA4 144
12 075, and multiple rounds of Winchester ranger 165 grain .40 caliber ammunition, and the firearm and
13 ammunition were in and affecting commerce, all in violation of Title 18, United States Code, Section
14 922(g)(5).

15 FORFEITURE ALLEGATION: (18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c))

16 The allegations contained in Counts One and Two of this Superseding Indictment are re-alleged
17 and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States
18 Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

19 Upon conviction of an offense set forth in this Superseding Indictment, the defendant,

20 JOSE INEZ GARCIA-ZARATE,
21 a/k/a Juan Jose Dominguez De La Parra,
22 a/k/a Jose Luis Garcia Sanchez,
23 a/k/a Juan Garcia Sanchez,
24 a/k/a Juan Francisco Lopez-Sanchez,

25 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28,
26 United States Code, Section 2461(c), any firearm and ammunition involved in the commission of the
27 offense, including, but not limited to, the following property:

- 28 a. One (1) .40 caliber Sig Sauer P239 semi-automatic pistol, serial number SA4 144
075, and any ammunition seized or associated with the firearm.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
b. has been transferred or sold to, or deposited with, a third party;

- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code, Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

DATED: 17 OCT 2019

A TRUE BILL.


FOREPERSON
San Francisco

DAVID L. ANDERSON
United States Attorney


ERIC CHENG
Assistant United States Attorney